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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/527,228	06/10/2005	Fritz Krause	85934.000050	9971

23387 7590 10/04/2006

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EXAMINER

KOSANOVIC, HELENA

ART UNIT PAPER NUMBER

3749

DATE MAILED: 10/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/527,228	Applicant(s) KRAUSE ET AL.	
	Examiner Helena Kosanovic	Art Unit 3749	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 10 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 June 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>3/10/2005</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Suggestion

1. Examiner suggested to Applicant to use, in claim 6, term —directly connected— instead “ positively connected” for better clarification.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-7, 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weber 6,135,874 in view of Gillick 3,330,200.

Weber teaches invention as claimed: an air vent module for window panels 2, having a tubular duct 7 disposed in the door cavity with at least one vent opening 8 (fig 1), extending in an upright direction roughly parallel to the window panel (fig. 1) wherein vent opening 8 having an upper edge 8' located below a top surface 9 of duct 7 (fig. 1) and lower edge 8" leveled with a bottom surface 7' of said duct; a lower sealing lip 11 in contact with window 2 (fig. 1) for jetting said window with air-flow emerging from vent 8 in region of lower edge 8" where dictionary defines “emerge”: to come forth into view or notice, as from concealment or obscurity

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(<http://dictionary.reference.com/browse/emerge>, accessed 9/22/06), therefore sealing lip 11 comes forth into view from obscurity and thus meets the claim limitation; an upper sealing lip 9 secured to said duct in contact with said window and spaced away from lower sealing lip 11 (fig. 1) wherein upper sealing lip is "positively" connected to duct 6 and 4 (fig. 1) and having an appendage 6', located in the groove of duct 4; a flange secured to the inner wall of door cavity 1 (fig. 1) orthogonally from duct 7.

Weber is silent about having a upper sealing lip in contact with said window panel having a ports.

Gillick teaches a vent module (figs. 2-4) having a plurality of vents 26 (fig.4) each separated by ridge 31 (fig.2); an upper sealing lip 23, 14' (fig. 2) in contact with window 12 having a port 24 (col. 3, ll. 12-15);

It would have been obvious to one ordinary skill in the art to have the Weber air vent module for window modified with the Gillick upper lip with port in order to enhance the flow of air upwardly out the opening 24 (col. 3, ll. 12-15) .

3. Claims 8-9 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weber 6,135,874 in view of Gillick 3,330,200 and further in view of Kaye 6,409,251.

Weber in view of Gillick made an invention as discussed above but is silent about sealing lips having a coating and made of plastic as well as duct made of plastic.

Kaye teaches window-sealing lips 44,46 (fig. 2) having a coating 48,50 (col. 5, ll. 33-34).

Using a plastic as a known expedient is well known in the art (col. 5, l. 5 and ll. 27-29) and therefore is given little patentable weight.

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It would have been obvious to one ordinary skill in the art to have the Webwr i.v., Gillick invention modify with the Kaye coating sealing lips in order to have less friction for engaging the surface of the window as it slides by the seal (col. 5, ll. 34-36).

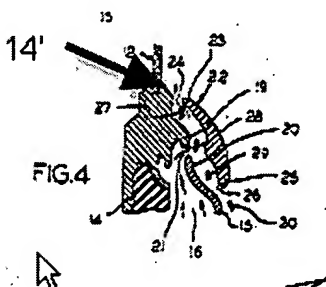
4. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Weber 6,135,874 in view of Gillick 3,330,200 and further in view of Jambor 6,296,295.

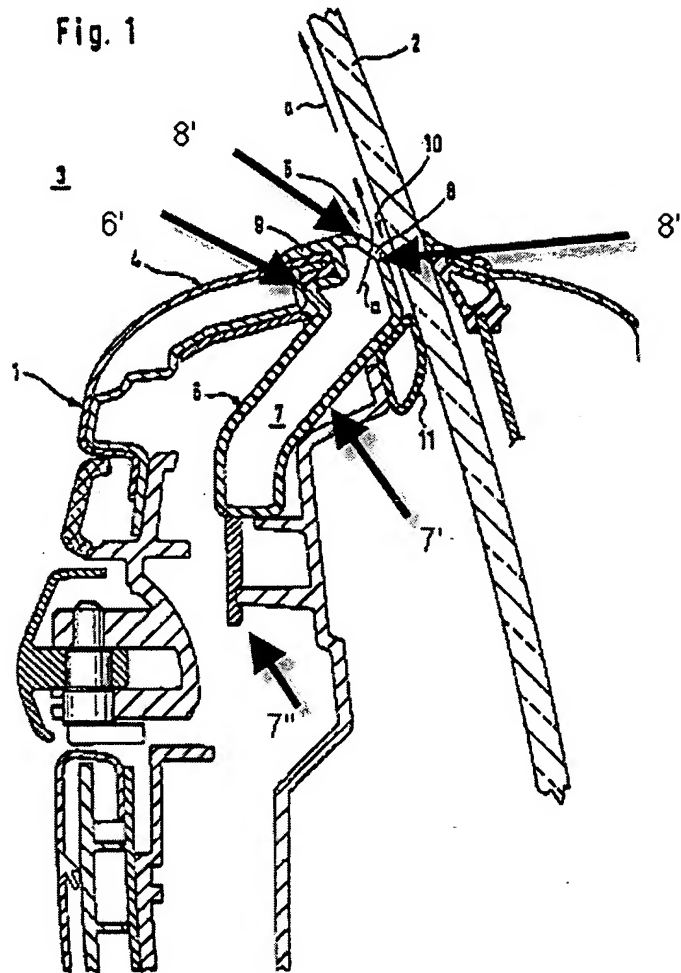
Weber in view of Gillick made an invention as discussed above but is silent about having an automatic window panels.

Jambor teaches that automatic window mechanism is well known in the prior art (col. 3, ll. 21-23).

It would have been obvious to one ordinary skill in the art to have the Webwr i.v., Gillick invention modify with the Jambor automatic window mechanism in order to remote control window mechanism (col. 3, ll. 21-24).

5. Gillick (fig. 4) and Weber (Fig. 1) with originally unlabeled element relevant in examination labeled by Examiner for clarification.





Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Helena Kosanovic whose telephone number is (571)272-9059. The examiner can normally be reached on 8:30-5:00, Monday through Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ehud Gartenberg can be reached on 571-272-4828. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Helena Kosanovic
Examiner
Art Unit 3749

92506

Helena Kosanovic


JOSIAH C. COCKS
PRIMARY EXAMINER